

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Electronic Products Recycling and Reuse Act
5 is amended by changing Sections 10, 30, 40, 50, 55, and 65 as
6 follows:

7 (415 ILCS 150/10)

8 Sec. 10. Definitions. As used in this Act:

9 "Agency" means the Environmental Protection Agency.

10 "Cathode-ray tube" means a vacuum tube or picture tube used
11 to convert an electronic signal into a visual image, such as a
12 television or computer monitor.

13 "Collector" means a person who receives covered electronic
14 devices or eligible electronic devices directly from a
15 residence for recycling or processing for reuse. "Collector"
16 includes, but is not limited to, manufacturers, recyclers, and
17 refurbishers who receive CEDs or EEDs directly from the public.

18 "Computer", often referred to as a "personal computer" or
19 "PC", means a desktop or notebook computer as further defined
20 below and used only in a residence, but does not mean an
21 automated typewriter, electronic printer, mobile telephone,
22 portable hand-held calculator, portable digital assistant
23 (PDA), MP3 player, or other similar device. "Computer" does not

1 include computer peripherals, commonly known as cables, mouse,
2 or keyboard. "Computer" is further defined as either:

3 (1) "Desktop computer", which means an electronic,
4 magnetic, optical, electrochemical, or other high-speed
5 data processing device performing logical, arithmetic, or
6 storage functions for general purpose needs that are met
7 through interaction with a number of software programs
8 contained therein, and that is not designed to exclusively
9 perform a specific type of logical, arithmetic, or storage
10 function or other limited or specialized application.
11 Human interface with a desktop computer is achieved through
12 a stand-alone keyboard, stand-alone monitor, or other
13 display unit, and a stand-alone mouse or other pointing
14 device, and is designed for a single user. A desktop
15 computer has a main unit that is intended to be
16 persistently located in a single location, often on a desk
17 or on the floor. A desktop computer is not designed for
18 portability and generally utilizes an external monitor,
19 keyboard, and mouse with an external or internal power
20 supply for a power source. Desktop computer does not
21 include an automated typewriter or typesetter; or

22 (2) "Notebook computer", which means an electronic,
23 magnetic, optical, electrochemical, or other high-speed
24 data processing device performing logical, arithmetic, or
25 storage functions for general purpose needs that are met
26 through interaction with a number of software programs

1 contained therein, and that is not designed to exclusively
2 perform a specific type of logical, arithmetic, or storage
3 function or other limited or specialized application.
4 Human interface with a notebook computer is achieved
5 through a keyboard, video display greater than 4 inches in
6 size, and mouse or other pointing device, all of which are
7 contained within the construction of the unit that
8 comprises the notebook computer; supplemental stand-alone
9 interface devices typically can also be attached to the
10 notebook computer. Notebook computers can use external,
11 internal, or batteries for a power source. Notebook
12 computer does not include a portable hand-held calculator,
13 or a portable digital assistant or similar specialized
14 device. A notebook computer has an incorporated video
15 display greater than 4 inches in size and can be carried as
16 one unit by an individual. A notebook computer is sometimes
17 referred to as a laptop computer.

18 "Computer monitor" means an electronic device that is a
19 cathode-ray tube or flat panel display primarily intended to
20 display information from a computer and is used only in a
21 residence.

22 "Covered electronic device" or "CED" means any computer,
23 computer monitor, television, or printer that is taken out of
24 service from a residence in this State regardless of purchase
25 location. "Covered electronic device" does not include any of
26 the following:

1 (1) an electronic device that is a part of a motor
2 vehicle or any component part of a motor vehicle assembled
3 by or for a vehicle manufacturer or franchised dealer,
4 including replacement parts for use in a motor vehicle;

5 (2) an electronic device that is functionally or
6 physically part of a larger piece of equipment or that is
7 taken out of service from an industrial, commercial
8 (including retail), library checkout, traffic control,
9 kiosk, security (other than household security),
10 governmental, agricultural, or medical setting, including
11 but not limited to diagnostic, monitoring, or control
12 equipment; or

13 (3) an electronic device that is contained within a
14 clothes washer, clothes dryer, refrigerator, refrigerator
15 and freezer, microwave oven, conventional oven or range,
16 dishwasher, room air conditioner, dehumidifier, water
17 pump, sump pump, or air purifier.

18 To the extent allowed under federal and State laws and
19 regulations, a CED that is being collected, recycled, or
20 processed for reuse is not considered to be hazardous waste,
21 household waste, solid waste, or special waste.

22 "Developmentally disabled" means having a severe
23 disability, as defined by the Office of Rehabilitation Services
24 of the Illinois Department of Human Services, that can be
25 expected to result in death or that has lasted, or is expected
26 to last, at least 12 months and that prevents working at a

1 "substantial gainful activity" level.

2 "Dismantling" means the demanufacturing and shredding of a
3 CED.

4 "Eligible electronic device" or "EED" means any of the
5 following electronic products taken out of service from a
6 residence in this State regardless of purchase location: mobile
7 telephone; computer cable, mouse, or keyboard; stand-alone
8 facsimile machine; MP3 player; portable digital assistant
9 (PDA); video game console, video cassette recorder/player,
10 digital video disk player, or similar video device; zip drive;
11 or scanner. To the extent allowed under federal and state laws
12 and regulations, an EED that is being collected, recycled, or
13 processed for reuse is not considered to be hazardous waste,
14 household waste, solid waste, or special waste.

15 "Low income children and families" mean those children and
16 families that are subject to the most recent version of the
17 United States Department of Health and Human Services Federal
18 Poverty Guidelines.

19 "Manufacturer" means a person, or a successor in interest
20 to a person, under whose brand or label a CED is or was sold at
21 retail. For CEDs sold at retail under a brand or label that is
22 licensed from a person who is a mere brand owner and who does
23 not sell or produce the CED, the person who produced the CED or
24 his or her successor in interest is the manufacturer. For CEDs
25 sold that were at retail under the brand or label of both the
26 retail seller and the person that produced the CED, the person

1 that produced the CED, or his or her successor in interest, is
2 the manufacturer. A retail seller of CEDs may elect to be the
3 manufacturer of one or more CEDs if the retail seller provides
4 written notice to the Agency that it is accepting
5 responsibility as the manufacturer of the CED under this Act
6 and identifies the CEDs for which it is electing to be the
7 manufacturer.

8 "Municipal joint action agency" means a municipal joint
9 action agency created under Section 3.2 of the
10 Intergovernmental Cooperation Act.

11 "Orphan CEDs" means those CEDs that are returned for
12 recycling, or processing for reuse, whose manufacturer cannot
13 be identified, or whose manufacturer is no longer conducting
14 business and has no successor in interest.

15 "Person" means any individual, partnership,
16 co-partnership, firm, company, limited liability company,
17 corporation, association, joint stock company, trust, estate,
18 political subdivision, State agency, or any other legal entity,
19 or a legal representative, agent, or assign of that entity.

20 "Printer" means desktop printers, multifunction printer
21 copiers, and printer/fax combinations taken out of service from
22 a residence that are designed to reside on a work surface, and
23 include various print technologies, including without
24 limitation laser and LED (electrographic), ink jet, dot matrix,
25 thermal, and digital sublimation, and "multi-function" or
26 "all-in-one" devices that perform different tasks, including

1 without limitation copying, scanning, faxing, and printing.
2 Printers do not include floor-standing printers, printers with
3 optional floor stand, point of sale (POS) receipt printers,
4 household printers such as a calculator with printing
5 capabilities or label makers, or non-stand-alone printers that
6 are embedded into products that are not CEDs.

7 "Processing for reuse" means any method, technique, or
8 process by which CEDs or EEDs that would otherwise be disposed
9 of or discarded are instead separated, processed, and returned
10 to their original intended purposes or to other useful purposes
11 as electronic devices.

12 "Program Year" means a calendar year. The first program
13 year is 2010.

14 "Recycler" means a person who engages in the recycling of
15 CEDs or EEDs, but does not include telecommunications carriers,
16 telecommunications manufacturers, or commercial mobile service
17 providers with an existing recycling program.

18 "Recycling" means any method, technique, or process by
19 which CEDs or EEDs that would otherwise be disposed of or
20 discarded are instead collected, separated, or processed and
21 are returned to the economic mainstream in the form of raw
22 materials or products. "Recycling" includes the collection,
23 transportation, dismantling, and shredding of the CEDs or EEDs.

24 "Refurbisher" means any person who processes CEDs or EEDs
25 for reuse, but does not include telecommunications carriers,
26 telecommunications manufacturers, or commercial mobile service

1 providers with an existing recycling program.

2 "Residence" means a dwelling place or home in which one or
3 more individuals live.

4 "Retailer" means a person who sells, rents, or leases,
5 through sales outlets, catalogues, or the Internet, computers,
6 computer monitors, or televisions at retail to individuals in
7 this State. For purposes of this Act, sales to individuals at
8 retail are considered to be sales for residential use.
9 "Retailer" includes, but is not limited to, manufacturers who
10 sell computers, computer monitors, printers, or televisions at
11 retail directly to individuals in this State.

12 "Sale" means any retail transfer of title for consideration
13 of title including, but not limited to, transactions conducted
14 through sales outlets, catalogs, or the Internet or any other
15 similar electronic means but does not mean financing or
16 leasing.

17 "Television" means an electronic device (i) containing a
18 cathode-ray tube or flat panel screen the size of which is
19 greater than 4 inches when measured diagonally, (ii) that is
20 intended to receive video programming via broadcast, cable, or
21 satellite transmission or to receive video from surveillance or
22 other similar cameras, and (iii) that is used only in a
23 residence.

24 (Source: P.A. 95-959, eff. 9-17-08.)

25 (415 ILCS 150/30)

1 Sec. 30. Manufacturer responsibilities.

2 (a) Prior to April 1, 2009 for the first program year, and
3 by October 1 for program year 2011 and thereafter,
4 manufacturers whose computers, computer monitors, printers, or
5 televisions are sold in this State must register with the
6 Agency. The registration must be submitted in the form and
7 manner required by the Agency. The registration must include,
8 without limitation, all of the following:

9 (1) a list of all of the manufacturer's brands of
10 computers, computer monitors, printers, or televisions to
11 be offered for sale in the next program year;

12 (2) for manufacturers of both televisions and
13 computers, computer monitors, or printers, an
14 identification of whether, for residential use, (i)
15 televisions or (ii) computers, computer monitors, and
16 printers, represent the larger number of units sold for the
17 manufacturer; and

18 (3) a statement disclosing whether:

19 (A) any computer, computer monitor, printer, or
20 television sold in this State exceeds the maximum
21 concentration values established for lead, mercury,
22 cadmium, hexavalent chromium, polybrominated biphenyls
23 (PBBs), and polybrominated diphenyl ethers (PBDEEs)
24 under the RoHS (restricting the use of certain
25 hazardous substances in electrical and electronic
26 equipment) Directive 2002/95/EC of the European

1 Parliament and Council and any amendments thereto and,
2 if so, an identification of that computer, computer
3 monitor, printer, or television; or

4 (B) the manufacturer has received an exemption
5 from one or more of those maximum concentration values
6 under the RoHS Directive that has been approved and
7 published by the European Commission.

8 If, during the program year, a manufacturer's computer,
9 computer monitor, printer, or television is sold or offered for
10 sale under a new brand that is not listed in the manufacturer's
11 registration, then, within 30 days after the first sale or
12 offer for sale under the new brand, the manufacturer must amend
13 its registration to add the new brand.

14 (b) Prior to July 1, 2009 for the first program year, and
15 by the November 1 preceding program years 2011 and later, all
16 manufacturers whose computers, computer monitors, printers, or
17 televisions are sold in the State shall submit to the Agency,
18 at an address prescribed by the Agency, the registration fee
19 for the next program year. The registration fee for program
20 year 2010 is \$5,000.

21 For program years 2011 and later, the registration fee is
22 increased each year by an inflation factor determined by the
23 annual Implicit Price Deflator for Gross National Product, as
24 published by the U.S. Department of Commerce in its Survey of
25 Current Business. The inflation factor must be calculated each
26 year by dividing the latest published annual Implicit Price

1 Deflator for Gross National Product by the annual Implicit
2 Price Deflator for Gross National Product for the previous
3 year. The inflation factor must be rounded to the nearest
4 1/100th, and the resulting registration fee must be rounded to
5 the nearest whole dollar. No later than October 1 of each
6 program year, the Agency shall post on its website the
7 registration fee for the next program year.

8 (c) A manufacturer whose computers, computer monitors,
9 printers, or televisions are first sold or offered for sale in
10 this State on or after January 1 of a program year must
11 register with the Agency in accordance with subsection (a) of
12 this Section and submit the registration fee required under
13 subsection (b) of this Section prior to the manufacturer's
14 computers, computer monitors, printers, or televisions being
15 sold or offered for sale.

16 (d) Each manufacturer shall recycle or process for reuse
17 CEDs and EEDs whose total weight equals or exceeds the
18 manufacturer's individual recycling and reuse goal set forth in
19 Section 19 of this Act. Individual consumers may not be charged
20 an end-of-life fee when bringing their CEDs and EEDs to
21 permanent or temporary collection locations, unless a
22 financial incentive of equal or greater value, such as a
23 coupon, is provided. Collectors may charge a fee for premium
24 services such as curbside collection, home pick-up, or a
25 similar method of collection.

26 When determining whether a manufacturer has met or exceeded

1 its individual recycling and reuse goal set forth in Section 19
2 of this Act, all of the following adjustments must be made:

3 (1) The total weight of CEDs processed for reuse by the
4 manufacturer, its recyclers, or its refurbishers is
5 doubled.

6 (2) The total weight of CEDs is tripled if they are
7 donated for reuse by the manufacturer to a primary or
8 secondary public education institution or to a
9 not-for-profit entity that is established under Section
10 501(c)(3) of the Internal Revenue Code of 1986 and whose
11 principal mission is to assist low-income children or
12 families or to assist the developmentally disabled in
13 Illinois. This subsection applies only to CEDs for which
14 the manufacturer has received a written confirmation that
15 the recipient has accepted the donation. Copies of all
16 written confirmations must be submitted in the annual
17 report required under Section 30.

18 (3) The total weight of CEDs collected by manufacturers
19 free of charge in underserved counties is doubled. This
20 subsection applies only to CEDs that are documented by
21 collectors as being collected or received free of charge in
22 underserved counties. This documentation must include,
23 without limitation, the date and location of collection or
24 receipt, the weight of the CEDs collected or received, and
25 an acknowledgement by the collector that the CEDs were
26 collected or received free of charge. Copies of the

1 documentation must be submitted in the annual report
2 required under subsection (h), (i), (j), (k), or (l) of
3 Section 30.

4 (e) Manufacturers of computers, computer monitors, or
5 printers, either individually or collectively, shall hire an
6 independent third-party auditor to perform statistically
7 significant return share samples of CEDs received by recyclers
8 and refurbishers for recycling or processing for reuse. Each
9 third-party auditor shall perform a return share sample of CEDs
10 for at least one 8-hour period, once a quarter during the
11 program year at the facility of each registered recycler and
12 refurbisher under contract with the manufacturer or group of
13 manufacturers that has hired the auditor. The audit shall
14 contain the following data:

15 (1) the number and weight of CEDs, sorted by brand name
16 and product type, including a category for orphan CEDs;

17 (2) the total weight of the sample by product type;

18 (3) the date, location, and time of the sampling;

19 (4) the name or names of the manufacturer for whom the
20 recycler is performing activities under this Act; and

21 (5) a certification by the third-party auditor that the
22 sampling is statistically significant and, if not, an
23 explanation as to what occurred to render the sampling
24 insignificant.

25 The manufacturer shall notify the Agency 30 days prior to
26 the third-party auditor's return share sampling by providing

1 the Agency with the time and date on which the third-party
2 auditor will perform the return share sample. The Agency may,
3 at its discretion, be present at any sampling event and may
4 audit the methodology and the results of the third-party
5 auditor.

6 No less than 30 days after the close of each calendar
7 quarter, the manufacturer shall submit to the Agency the
8 results of the third-party samplings conducted during the
9 quarter. The results shall be submitted in the form and manner
10 required by the Agency.

11 (f) Manufacturers shall ensure that only recyclers and
12 refurbishers that have registered with the Agency are used to
13 meet the individual recycling and reuse goals set forth in this
14 Act.

15 (g) Manufacturers shall ensure that the recyclers and
16 refurbishers used to meet the individual recycling and reuse
17 goals set forth in this Act shall, at a minimum, comply with
18 the standards set forth under subsection (d) of Section 50 of
19 this Act.

20 (h) By August 15, 2009, television manufacturers shall
21 submit to the Agency, in the form and manner required by the
22 Agency, a report that contains the total weight of televisions
23 sold under each of the manufacturer's brands to individuals at
24 retail in this State, as set forth in the reports to
25 manufacturers by retailers under subsection (c) of Section 40.

26 (i) No later than September 1, 2010, television

1 manufacturers must submit to the Agency, in the form and manner
2 required by the Agency, a report for the period January 1, 2010
3 through June 30, 2010 that contains both of the following
4 ~~information:~~

5 (1) The total weight of televisions sold under each of
6 the manufacturer's brands to individuals at retail in this
7 State, from one of the following 2 sources, with the
8 manufacturer indicating in the report which of the 2 data
9 sources was used, and, if a national sales data report was
10 used, the name of the national sales data source:

11 (A) the manufacturer's own sales reports; or

12 (B) national sales data reports obtained by the
13 manufacturer and pro-rated to Illinois by multiplying
14 the weight of the manufacturer's televisions sold
15 nationally by the quotient that results from dividing
16 the population of Illinois by the population of the
17 United States. The population of Illinois and the
18 United States shall be obtained using the most recent
19 U.S. census data. ~~the total weight of televisions sold~~
20 ~~under each of the manufacturer's brands to individuals~~
21 ~~at retail in this State, as set forth in the reports~~
22 ~~submitted under subsection (d) of Section 40; and~~

23 (2) The ~~the~~ total weight of computers, the total weight
24 of computer monitors, the total weight of printers, the
25 total weight of televisions, and the total weight of EEDs
26 recycled or processed for reuse.

1 (j) By August 15, 2010, computer, computer monitor, and
2 printer manufacturers shall submit to the Agency, on forms and
3 in a format prescribed by the Agency, a report for the period
4 January 1, 2010 through June 30, 2010 that contains the total
5 weight of computers, the total weight of computer monitors, the
6 total weight of printers, the total weight of televisions, and
7 the total weight of EEDs, recycled or processed for reuse.

8 (k) No later than April 1 of program years 2011 and
9 thereafter, television manufacturers shall submit to the
10 Agency, in the form and manner required by the Agency, a report
11 that contains all of the following information for the previous
12 program year:

13 (1) The total weight of televisions sold under each of
14 the manufacturer's brands to individuals at retail in this
15 State, from one of the following 2 sources, with the
16 manufacturer indicating in the report which of the two data
17 sources was used, and, if a national sales data report was
18 used, the name of the national sales data source:

19 (a) the manufacturer's own sales reports; or

20 (b) national sales data reports obtained by the
21 manufacturer and pro-rated to Illinois by multiplying
22 the weight of the manufacturer's televisions sold
23 nationally by the quotient that results from dividing
24 the population of Illinois by the population of the
25 United States. The population of Illinois and the
26 United States shall be obtained using the most recent

1 U.S. census data. ~~the total weight of televisions sold~~
2 ~~under each of the manufacturer's brands to individuals~~
3 ~~at retail in this State, as set forth in the reports~~
4 ~~submitted under subsection (c) of Section 40;~~

5 (2) The ~~the~~ total weight of computers, the total weight
6 of computer monitors, the total weight of printers, the
7 total weight of televisions, and the total weight of EEDs
8 recycled or processed for reuse. †

9 (3) The ~~the~~ identification of all weights that are
10 adjusted under subsection (d) of this Section. For all
11 weights adjusted under item (2) of subsection (d), the
12 manufacturer must include copies of the written
13 confirmation required under that subsection. †

14 (4) A ~~a~~ list of each recycler, refurbisher, and
15 collector used by the manufacturer to fulfill the
16 manufacturer's individual recycling and reuse goal set
17 forth in Section 19 of this Act. †

18 (5) A ~~a~~ summary of the manufacturer's consumer
19 education program required under subsection (m) of this
20 Section.

21 (1) No later than April 1 of program years 2011 and
22 thereafter, computer, computer monitor, and printer
23 manufacturers shall submit to the Agency, on forms and in a
24 format prescribed by the Agency, a report that contains the
25 following information for the previous program year:

26 (1) the total weight of computers, the total weight of

1 computer monitors, the total weight of printers, the total
2 weight of televisions, and the total weight of EEDs
3 recycled or processed for reuse;

4 (2) the identification of all weights that are adjusted
5 under subsection (d) of this Section. For all weights
6 adjusted under item (2) of subsection (d), the manufacturer
7 must include copies of the written confirmation required
8 under that subsection;

9 (3) a list of each recycler, refurbisher, and collector
10 used by the manufacturer to fulfill the manufacturer's
11 individual recycling and reuse goal set forth in subsection
12 (c) of Section 15 of this Act; and

13 (4) a summary of the manufacturer's consumer education
14 program required under subsection (m) of this Section.

15 (m) Manufacturers must develop and maintain a consumer
16 education program that complements and corresponds to the
17 primary retailer-driven campaign required under Section 40 of
18 this Act. The education program shall promote the recycling of
19 electronic products and proper end-of-life management of the
20 products by consumers.

21 (n) Beginning January 1 2010, no manufacturer may sell a
22 computer, computer monitor, printer, or television in this
23 State unless the manufacturer is registered with the State as
24 required under this Act, has paid the required registration
25 fee, and is otherwise in compliance with the provisions of this
26 Act.

1 (o) Beginning January 1, 2010, no manufacturer may sell a
2 computer, computer monitor, printer, or television in this
3 State unless the manufacturer's brand name is permanently
4 affixed to, and is readily visible on, the computer, computer
5 monitor, printer, or television.

6 (Source: P.A. 95-959, eff. 9-17-08.)

7 (415 ILCS 150/40)

8 Sec. 40. Retailer responsibilities.

9 (a) Retailers shall be a primary source of information
10 about end-of-life options to residential consumers of
11 computers, computer monitors, printers, and televisions. At
12 the time of sale, the retailer shall provide each residential
13 consumer with information from the Agency's website that
14 provides information detailing where and how a consumer can
15 recycle a CED or return a CED for reuse.

16 (b) Beginning January 1, 2010, no retailer may sell or
17 offer for sale any computer, computer monitor, printer, or
18 television in or for delivery into this State unless:

19 (1) the computer, computer monitor, printer, or
20 television is labeled with a brand and the label is
21 permanently affixed and readily visible; and

22 (2) the manufacturer is registered with the Agency and
23 has paid the required registration fee as required under
24 Section 20 of this Act.

25 This subsection (b) does not apply to any computer, computer

1 monitor, printer, or television that was purchased prior to
2 January 1, 2010.

3 (c) By July 1, 2009, retailers shall report to each
4 television manufacturer, by model, the number of televisions
5 sold at retail to individuals in this State under each of the
6 manufacturer's brands during the 6-month period from October 1,
7 2008 through March 31, 2009.

8 (d) (Blank) ~~By August 1, 2010, retailers shall report to~~
9 ~~each television manufacturer, by model, the number of~~
10 ~~televisions sold at retail to individuals in this State under~~
11 ~~each of the manufacturer's brands between January 1, 2010 and~~
12 ~~June 30, 2010.~~

13 (e) (Blank) ~~No later than February 15 of each program year,~~
14 ~~retailers shall report to each television manufacturer, by~~
15 ~~model, the number of televisions sold at retail to individuals~~
16 ~~in this State under each of the manufacturer's brands during~~
17 ~~the previous program year.~~

18 (Source: P.A. 95-959, eff. 9-17-08.)

19 (415 ILCS 150/50)

20 Sec. 50. Recycler and refurbisher registration.

21 (a) Prior to January 1 of each program year, each recycler
22 and refurbisher must register with the Agency and submit a
23 registration fee pursuant to subsection (b) for that program
24 year. Registration must be on forms and in a format prescribed
25 by the Agency and shall include, but not be limited to, the

1 address of each location where the recycler or refurbisher
2 manages CEDs or EEDs and identification of each location at
3 which the recycler or refurbisher accepts CEDs or EEDs from a
4 residence.

5 (b) The registration fee for program year 2010 is \$2,000.
6 For program year ~~years~~ 2011 ~~and thereafter~~, if a recycler's or
7 refurbisher's annual combined total weight of CEDs and EEDs is
8 less than 1,000 tons per year, the registration fee shall be
9 \$500. For program year 2012 and for all subsequent program
10 years, both registration fees shall be ~~the registration fee is~~
11 increased each year by an inflation factor determined by the
12 annual Implicit Price Deflator for Gross National Product as
13 published by the U.S. Department of Commerce in its Survey of
14 Current Business. The inflation factor must be calculated each
15 year by dividing the latest published annual Implicit Price
16 Deflator for Gross National Product by the annual Implicit
17 Price Deflator for Gross National Product for the previous
18 year. The inflation factor must be rounded to the nearest
19 1/100th, and the resulting registration fee must be rounded to
20 the nearest whole dollar. No later than October 1 of each
21 program year, the Agency shall post on its website the
22 registration fee for the next program year.

23 (c) No person may act as a recycler or a refurbisher of
24 CEDs for a manufacturer obligated to meet goals under this Act
25 unless the recycler or refurbisher is registered and has paid
26 the registration fee as required under this Section.

1 (d) Recyclers and refurbishers must, at a minimum, comply
2 with all of the following:

3 (1) Recyclers and refurbishers must comply with
4 federal, State, and local laws and regulations, including
5 federal and State minimum wage laws, specifically relevant
6 to the handling, processing, refurbishing and recycling of
7 residential CEDs and must have proper authorization by all
8 appropriate governing authorities to perform the handling,
9 processing, refurbishment, and recycling.

10 (2) Recyclers and refurbishers must implement the
11 appropriate measures to safeguard occupational and
12 environmental health and safety, through the following:

13 (A) environmental health and safety training of
14 personnel, including training with regard to material
15 and equipment handling, worker exposure, controlling
16 releases, and safety and emergency procedures;

17 (B) an up-to-date, written plan for the
18 identification and management of hazardous materials;
19 and

20 (C) an up-to-date, written plan for reporting and
21 responding to exceptional pollutant releases,
22 including emergencies such as accidents, spills,
23 fires, and explosions.

24 (3) Recyclers and refurbishers must maintain (i)
25 commercial general liability insurance or the equivalent
26 corporate guarantee for accidents and other emergencies

1 with limits of not less than \$1,000,000 per occurrence and
2 \$1,000,000 aggregate and (ii) pollution legal liability
3 insurance with limits not less than \$1,000,000 per
4 occurrence for companies engaged solely in the dismantling
5 activities and \$5,000,000 per occurrence for companies
6 engaged in recycling.

7 (4) Recyclers and refurbishers must maintain on file
8 documentation that demonstrates the completion of an
9 environmental health and safety audit completed and
10 certified by a competent internal and external auditor
11 annually. A competent auditor is an individual who, through
12 professional training or work experience, is appropriately
13 qualified to evaluate the environmental health and safety
14 conditions, practices, and procedures of the facility.
15 Documentation of auditors' qualifications must be
16 available for inspection by Agency officials and
17 third-party auditors.

18 (5) Recyclers and refurbishers must maintain on file
19 proof of workers' compensation and employers' liability
20 insurance.

21 (6) Recyclers and refurbishers must provide adequate
22 assurance (such as bonds or corporate guarantee) to cover
23 environmental and other costs of the closure of the
24 recycler or refurbisher's facility, including cleanup of
25 stockpiled equipment and materials.

26 (7) Recyclers and refurbishers must apply due

1 diligence principles to the selection of facilities to
2 which components and materials (such as plastics, metals,
3 and circuit boards) from CEDs and EEDs are sent for reuse
4 and recycling.

5 (8) Recyclers and refurbishers must establish a
6 documented environmental management system that is
7 appropriate in level of detail and documentation to the
8 scale and function of the facility, including documented
9 regular self-audits or inspections of the recycler or
10 refurbisher's environmental compliance at the facility.

11 (9) Recyclers and refurbishers must use the
12 appropriate equipment for the proper processing of
13 incoming materials as well as controlling environmental
14 releases to the environment. The dismantling operations
15 and storage of CED and EED components that contain
16 hazardous substances must be conducted indoors and over
17 impervious floors. Storage areas must be adequate to hold
18 all processed and unprocessed inventory. When heat is used
19 to soften solder and when CED and EED components are
20 shredded, operations must be designed to control indoor and
21 outdoor hazardous air emissions.

22 (10) Recyclers and refurbishers must establish a
23 system for identifying and properly managing components
24 (such as circuit boards, batteries, CRTs, and mercury
25 phosphor lamps) that are removed from CEDs and EEDs during
26 disassembly. Recyclers and refurbishers must properly

1 manage all hazardous and other components requiring
2 special handling from CEDs and EEDs consistent with
3 federal, State, and local laws and regulations. Recyclers
4 and refurbishers must provide visible tracking (such as
5 hazardous waste manifests or bills of lading) of hazardous
6 components and materials from the facility to the
7 destination facilities and documentation (such as
8 contracts) stating how the destination facility processes
9 the materials received. No recycler or refurbisher may
10 send, either directly or through intermediaries, hazardous
11 wastes to solid waste (non-hazardous waste) landfills or to
12 non-hazardous waste incinerators for disposal or energy
13 recovery. For the purpose of these guidelines, smelting of
14 hazardous wastes to recover metals for reuse in conformance
15 with all applicable laws and regulations is not considered
16 disposal or energy recovery.

17 (11) Recyclers and refurbishers must use a regularly
18 implemented and documented monitoring and record-keeping
19 program that tracks inbound CED and EED material weights
20 (total) and subsequent outbound weights (total to each
21 destination), injury and illness rates, and compliance
22 with applicable permit parameters including monitoring of
23 effluents and emissions. Recyclers and refurbishers must
24 maintain contracts or other documents, such as sales
25 receipts, suitable to demonstrate: (i) the reasonable
26 expectation that there is a downstream market or uses for

1 designated electronics (which may include recycling or
2 reclamation processes such as smelting to recover metals
3 for reuse); and (ii) that any residuals from recycling or
4 reclamation processes, or both, are properly handled and
5 managed to maximize reuse and recycling of materials to the
6 extent practical.

7 (12) Recyclers and refurbishers must comply with
8 federal and international law and agreements regarding the
9 export of used products or materials. In the case of
10 exports of CEDs and EEDs, recyclers and refurbishers must
11 comply with applicable requirements of the U.S. and of the
12 import and transit countries and must maintain proper
13 business records documenting its compliance. No recycler
14 or refurbisher may establish or use intermediaries for the
15 purpose of circumventing these U.S. import and transit
16 country requirements.

17 (13) Recyclers and refurbishers that conduct
18 transactions involving the transboundary shipment of used
19 CEDs and EEDs shall use contracts (or the equivalent
20 commercial arrangements) made in advance that detail the
21 quantity and nature of the materials to be shipped. For the
22 export of materials to a foreign country (directly or
23 indirectly through downstream market contractors): (i) the
24 shipment of intact televisions and computer monitors
25 destined for reuse must include only whole products that
26 are tested and certified as being in working order or

1 requiring only minor repair (e.g. not requiring the
2 replacement of circuit boards or CRTs), must be destined
3 for reuse with respect to the original purpose, and the
4 recipient must have verified a market for the sale or
5 donation of such product for reuse; (ii) the shipments of
6 CEDs and EEDs for material recovery must be prepared in a
7 manner for recycling, including, without limitation,
8 smelting where metals will be recovered, plastics recovery
9 and glass-to-glass recycling; or (iii) the shipment of CEDs
10 and EEDs are being exported to companies or facilities that
11 are owned or controlled by the original equipment
12 manufacturer.

13 (14) Recyclers and refurbishers must maintain the
14 following export records for each shipment on file for a
15 minimum of 3 years: (i) the facility name and the address
16 to which shipment is exported; (ii) the shipment contents
17 and volumes; (iii) the intended use of contents by the
18 destination facility; (iv) any specification required by
19 the destination facility in relation to shipment contents;
20 (v) an assurance that all shipments for export, as
21 applicable to the CED manufacturer, are legal and satisfy
22 all applicable laws of the destination country.

23 (15) Recyclers and refurbishers must employ
24 industry-accepted procedures for the destruction or
25 sanitization of data on hard drives and other data storage
26 devices. Acceptable guidelines for the destruction or

1 sanitization of data are contained in the National
2 Institute of Standards and Technology's Guidelines for
3 Media Sanitation or those guidelines certified by the
4 National Association for Information Destruction;

5 (16) No recycler or refurbisher may employ prison labor
6 in any operation related to the collection,
7 transportation, recycling, and refurbishment of CEDs and
8 EEDs. No recycler or refurbisher may employ any third party
9 that uses or subcontracts for the use of prison labor.

10 (Source: P.A. 95-959, eff. 9-17-08.)

11 (415 ILCS 150/55)

12 Sec. 55. Collector responsibilities.

13 (a) No later than January 1 of each program year,
14 collectors that collect or receive CEDs or EEDs for one or more
15 manufacturers, recyclers, or refurbishers shall register with
16 the Agency. Registration must be in the form and manner
17 required by the Agency and must include, without limitation,
18 the address of each location where CEDs or EEDs are received
19 and the identification of each location at which the collector
20 accepts CEDs or EEDs from a residence.

21 (b) Manufacturers, recyclers, refurbishers also acting as
22 collectors shall so indicate on their registration under
23 Section 30 or 50 and not register separately as collectors.

24 (c) No later than August 15, 2010, collectors must submit
25 to the Agency, on forms and in a format prescribed by the

1 Agency, a report for the period from January 1, 2010 through
2 June 30, 2010 that contains the following information: the
3 total weight of computers, the total weight of computer
4 monitors, the total weight of printers, the total weight of
5 televisions, and the total weight of EEDs collected or received
6 for each manufacturer.

7 (d) No later than May 1 of each program year, collectors
8 must submit to the Agency, on forms and in a format prescribed
9 by the Agency, a report that contains the following information
10 for the previous program year:

11 (1) the total weight of computers, the total weight of
12 computer monitors, the total weight of printers, the total
13 weight of televisions, and the total weight of EEDs
14 collected or received for each manufacturer during the
15 program year.

16 (2) a list of each recycler and refurbisher that
17 received CEDs and EEDs from the collector and the total
18 weight each recycler and refurbisher received.

19 (3) the address of each collector's facility where the
20 CEDs and EEDs were collected or received. Each facility
21 address must include the county in which the facility is
22 located.

23 (e) Collectors may accept no more than 10 CEDs or EEDs at
24 one time from individual members of the public and, when
25 scheduling collection events, shall provide no fewer than 30
26 days' notice to the county waste agency of those events.

1 (Source: P.A. 95-959, eff. 9-17-08.)

2 (415 ILCS 150/65)

3 Sec. 65. State government procurement.

4 (a) The Department of Central Management Services shall
5 ensure that all bid specifications and contracts for the
6 purchase or lease of desktop computers, laptop or notebook
7 computers, and computer monitors, by State agencies under a
8 statewide master contract require that the electronic products
9 have a Bronze performance tier or higher registration under the
10 Electronic Product Environmental Assessment Tool ("EPEAT")
11 operated by the Green Electronics Council.

12 (b) The Department of Central Management Services shall
13 ensure that bid specifications and contracts for the purchase
14 or lease of televisions and printers by State agencies under a
15 statewide master contract require that the televisions have a
16 Bronze performance tier or higher registration under EPEAT if
17 the Department determines that there are an adequate number of
18 the televisions or printers registered under EPEAT to provide a
19 sufficiently competitive bidding environment.

20 (c) This Section applies to bid specifications issued, and
21 contracts entered into, on or after January 1, 2010.

22 (Source: P.A. 95-959, eff. 9-17-08.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.